

# *Dissolution or disillusion: the unravelling of civil partnerships*

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## DISSOLUTION OR DISILLUSION: THE UNRAVELLING OF CIVIL PARTNERSHIPS

Rosemary Auchmuty

No one had any idea, when civil partnerships were first introduced, how many same-sex couples would take up the opportunity to formalise their relationships under the law. No one knew whether civil partnerships would appeal primarily to men or to women, to older or to younger people. But then, no one really knew the demographic characteristics of gays and lesbians in the UK generally, let alone those in couples. In a few short years, we had come from near-invisibility to legal recognition. It was with some interest, then, that the earliest statistics were greeted and analysed, and it was found that that men were much more eager to embrace the new institution than women (Shoffman 2006). In the first month of the Act's operation, December 2005, men registered almost twice the number of civil partnerships as women; in the following year, with over 16,000 registrations (the high point; numbers started to decline thereafter), the proportions were 60 per cent men and 40 per cent women. As the years went by, men continued to register more civil partnerships, but the gap was narrowing, and in 2010 it disappeared; in 2012, the latest year for which figures are available, women registered 51 per cent (ONS 2013a).

In 2007 the first dissolutions became available. Here again the statistics were interesting: in the first year, 13 male couples dissolved their civil partnership, compared with 28 female. In other words, women were more than twice as likely to dissolve, even though there were many fewer female civil partnerships. From then on, women continued to dissolve more civil partnerships than men; in 2011 almost twice as many, and in 2012 57 per cent. By the end of 2012, out of a total of more than 5,000 dissolutions, 3.2 per cent of male civil partnerships and 6.1 per cent of female civil partnerships had been dissolved (ONS 2013a). 'Lesbians, it seems, are cutting their losses more quickly than gay men,' noted the *Independent* on the day the statistics were released (Dent 2013).

In 2011 I embarked on an empirical study of the dissolution process,<sup>1</sup> the full results of which will be published separately. I interviewed people who had entered into, and then dissolved, their civil partnerships in the first six years of the Act's operation, with a view to finding out what this new experience was like and, in particular, whether those who underwent it had been surprised by the legal effects of civil partnership registration and dissolution. To these ends, I asked participants (14 women and five men, with an age range of 29-69) why they had entered into a civil partnership, as well as why they had dissolved it. I found quite profound differences in

expectations and experiences of the law. These differences appeared to be determined largely by sex and age, and it occurred to me that my findings could be helpful, in conjunction with other work on sexuality, in explaining the interesting demographic trends revealed by the Office for National Statistics.

This article considers the following three questions:

- Why did more men register a civil partnership initially than women?
- Why has the gender ratio equalised?
- Why have women dissolved their civil partnership at a consistently higher rate than men?

I also looked at comparisons between divorce and dissolution. After four years of the Act's operation, more than twice the proportion of marriages ended in divorce as civil partnerships in dissolution: 5.5%, as compared to 2.5% (Ross et al 2011: 15-6). By 2012, however, the gap was beginning to close. 'Now gay marriages are hit by seven-year itch,' proclaimed the *Daily Mail* (incidentally demonstrating the appropriation of the term 'marriage' for civil partnerships). 'Civil partnership break ups approach same rate as heterosexual couples' (Doughty 2013). This shift in turn led me to think about another issue that was aired in the same-sex marriage debates of the 2000s: given these statistics,

- What has happened to the argument that same-sex unions will be different from, or better than, heterosexual unions?

In exploring answers to these four questions, this article aims to demonstrate the limitations of the modern trend of assuming an identity of interests among lesbians and gay men,<sup>2</sup> a feature of much writing on sexuality and law that focuses on the attainment of 'equality' and 'rights' without any critique of the comparator group or concern about the content of those rights.

### **WHY DID MORE MEN REGISTER CIVIL PARTNERSHIPS INITIALLY?**

Introducing the Civil Partnership bill, the Labour government predicted that between 11,000 and 22,000 gays and lesbians might register a civil partnership in the first five years. In fact, four times as many did (ONS 2013a, pdf Bulletin: 2). This can be explained in three ways: first, that there were many more gays and lesbians in the UK than the government imagined (or were prepared to admit) when promoting the legislation; second, that there were many more gay and lesbian *couples* than they thought there were (and in these days of equality and respectability it is worth remembering that throughout most of the twentieth century, the dominant images of homosexuality were of unchecked promiscuity and/or the lonely closet); and third, that there was greater

appetite for legal recognition and the privileges of quasi-marriage than anyone expected. All these factors seem to have been true.

It is clear that none of the bill's proponents, still less its enemies, had any idea how many gays and lesbians there were. Often the best that anyone could come up with was the clichéd 'one in ten'. This statistical black hole was compounded by the fact that not everyone who embarked on a same-sex relationship identified as gay or lesbian as well as the fact that people moved (and still do) between gay and heterosexual identities and relationships. It is very likely that many people living a heterosexual lifestyle might have decided to come out as gay once this became not only acceptable but legally protected. One of the clearest findings of my dissolution research was that many of my interviewees had been in heterosexual relationships – several had been married – prior to entering into a same-sex one.<sup>3</sup> One woman, indeed, went on to marry a man after the dissolution of her civil partnership (while still, interestingly, identifying as 'gay'). If my research shows anything, it is that sexuality and identity are not fixed or inborn, but fluid and changing. So, for many people, the advent of civil partnerships may have offered an opportunity to come out publicly and officially; and I suggest that this opportunity was especially attractive to men, for the following reasons.

First, the early 'backlog' group of gay men – those who had been in relationships for a long time and were getting on in years – were more likely to have practical reasons for registering a civil partnership than women. Fifty per cent of civil partners who registered in December 2005 were aged 50 or more (National Statistics 2006: 2). They were more likely to have property that might be subject to inheritance tax, because only about five per cent of the population is wealthy enough to be liable and men (especially older, childless men with good jobs or pensions) are on average richer than women. Large age differences between partners are more common in male partnerships than female (Ross et al 2011: 6), making 'protection' of the younger man a priority in the event of the older one's death and, as my dissolution study revealed, many had partners from overseas and wanted to make it possible for them to stay in the country.

The flipside of gendered inequalities in wealth is that women tend to be disproportionately represented among the poorest social groups. The Civil Partnership Act 2004, in equalising the position of gays and heterosexuals, actually removed an advantage enjoyed up to that point by same-sex couples, which was that they were not viewed as a 'household' (as heterosexual couples had been since 1966) for the purposes of benefits assessment. Drawing attention to your relationship could well mean a

reduction in benefits if you were assessed as a couple rather than two individuals, as many women realised (Scott 2005).

A second impetus for gay men to register a civil partnership was their long and bitter history of being subject to the criminal law, which provided a powerful symbolic reason to have their relationships legally acknowledged and protected. Homosexual acts between men were illegal between 1885 and 1967 and prosecutions for private sexual behaviour could, and did, destroy lives. When I attended the civil partnership ceremony of two gay friends, this history was explicitly recalled, as it was in *Our Gay Wedding – the Musical*, shown on channel 4 earlier this year. For lesbians, however, invisibility has long been our accustomed position (Auchmuty 2007: 116) so, for women, there was less incentive to go public.

A third explanation is that men, unlike women, have no history of oppression in marriage and no suspicion of it as the site of patriarchal power. I have argued elsewhere that the massive decline in the marriage rate over the past forty years has been due to a much more conscious rejection of the institution by women than has previously been acknowledged (Auchmuty 2012). This rejection was spearheaded by second-wave feminism which simultaneously exposed the way that marriage operated to keep women in dependence on men and fought to create the conditions within which equality-based models of relating could flourish. For women who had been part of this movement or influenced by it, marriage and marriage-like institutions held no attraction and might even be viewed with abhorrence.

That this analysis has passed most gay men by was brought home to me in my interviews with gay men who had dissolved their civil partnerships. Some of them seemed to have absolutely no awareness of power within relationships, naively assuming (for example) that a union with a much younger man from a third-world country whom the older man was supporting financially, along with members of his family, could not be based on anything but love. 'My plan was that we'd buy a house there and we'd live happily ever after,' S told me. It is only when relationships break down that men in this situation realise the price that must be paid for irrational love.

#### **WHY HAS THE GENDER RATIO EQUALISED?**

The main reason for the gender convergence in civil partnership formation is that, now all the older long-term couples who wished to register a civil partnership have done so, the age of entry into a civil partnership has fallen, and the younger generation of gays and lesbians has a very different world-view and different practical concerns from those who lived through the great social and attitudinal shifts of the last forty years. In the

first month after the Civil Partnership Act came into force, the mean age of registrants was 54 for men and 46 for women. It has been dropping ever since, to 40 for men and 37.6 for women in 2012 (ONS 2013a pdf Bulletin: 4-5). Younger lesbians, like gay men, have no shared memory of the oppressiveness of marriage: marriage for them is simply a lifestyle choice. Similarly, younger gay men have no shared memory of outlaw status. Both sexes act upon the confident, if often misplaced, assumption that their relationships will be 'equal'.

A recent study of 50 younger civil partner couples aged 35 and below by Heaphy, Smart and Einarsdottir (2013) offers stark testimony to how the relationship terrain has changed since the introduction of civil partnerships. The great majority of participants in that study espoused conventional notions of marriage and saw the couple as the ideal relational form and monogamy as the most 'mature' way to relate. This conventionality derived, the authors deduce, from these young people's strong sense of 'ordinariness', normality, and equality with heterosexuals (82) – the result, no doubt, of successful gay rights campaigns over the past 50 years.

Two factors stood out in my own research to explain the increase in civil partnerships' popularity among young people, both male *and* female. First, younger and older civil partners conceptualised the institution in different ways. Second, so did their families and society as a whole.

### **Conceptions of civil partnership**

That younger and older civil partners had very different attitudes to legal regulation of their relationships became apparent when I asked participants why they had entered into a civil partnership. For the older women, the reasons were largely *practical* ('it was primarily an economic decision,' said E. 'We wanted to be absolutely sure that we would get each other's pension contributions') and *political*: they were keen to celebrate the achievement of 'equality with heterosexuals', as A put it. They wanted to step away from the invisibility that has cloaked lesbians for centuries and 'stand up and be counted' (H). These women did not consider a civil partnership to be the same thing as marriage ('we were not husband and wife', F declared) and they did not imagine that registration of their (usually longstanding) relationship would have any substantive impact on it. Only on its breakdown did they discover the difference that legal regulation makes.

The younger people I interviewed shared the attraction to legal rights and 'protection' but rarely spoke of making a public statement. Instead, they saw the civil partnership as 'the next step' after falling in love and moving in together, perhaps as a

prelude to thinking about a family, or creating a new family for children already present. This was as true of the men as of the women. My findings here were similar to those of Heaphy, Smart and Einarsdottir (2013). About half of their interviewees viewed civil partnerships as a 'natural progression' in their relationship (93), with many being encouraged to marry by family and friends (94). None of the 100 claimed marriage as a political act (104) and 'feminist concerns about the need to keep a degree of financial independence hardly surfaced at all' (114). Only four of the 25 female couples did not want children, and eight of the 25 male couples mentioned fostering and adoption in the future (162).

In modelling their civil partnership on heterosexual marriage, these young couples adopted its symbols and ceremonies, not to speak of its language (3-4): the book is titled *Same-Sex Marriages* for this reason. This I too found with the younger participants in my study. B, for example, used the language of marriage throughout the interview: 'she was my wife, I was married to my wife'. K told me unprompted 'We still call it married, we don't say civil partnered', and described her 'wedding' in detail. L, one of the young men, agreed that he and his partner spoke of their 'marriage' and when I asked if he referred to him as his husband or wife he laughingly admitted that he spoke of his wife ('but that was just a joke'). For younger participants, civil partnership *was* marriage.

The older women in my study were much less likely to use the language of marriage, and some explicitly repudiated it. 'No. [...] We hated that,' said E. P never used the words 'marriage' or 'wife' herself, but said her partner did: '[She] viewed it as a sort of "roses round the door" thing, which I never did [...] I've never wanted to be married'.

I found that those who embraced the language of marriage were also more likely to embrace the customs and traditions associated with the institution. One interviewee had hyphenated her surname with her partner's when they registered the civil partnership (and was now in the process of changing it back) while another spoke of choosing an entirely new name for himself and his current partner in contemplation of future children, so that the family could all have the same name. Whether and how the event was celebrated was also evidence of the different views. Those who were registering primarily for practical reasons – that is, the older people – usually had very simple ceremonies with only a handful of people present: 'we didn't want to make a big song and dance about it,' said E. F had a small registration and the two large parties that followed were celebrations of equality more than her own union.



It was generally the younger women who had the 'big white wedding'. K described hers with enthusiasm:

I was in white, a long flowing train and everything, and she wore like a nice dress from Monsoon, [...] a pink one, and then we had [...] four bridesmaids, and two pageboys, and they were in like cerise pink, and the boys were in like suits, with the cerise pink ties and cerise pink cummerbunds, and with my dad as well. So yes, I did the full works [laughing].

But gay men love a party too ...

We had a quickie civil partnership, with five friends [...] and then we had my fairy tale marriage ceremony that I had in mind [...] It was a beautiful wedding. We had a hundred guests... we each had three best men [...] two of them wore suits, standard lounge suits, and one wore Pakistani dress, and his three wore traditional Balinese costumes, so it was all quite colourful and eh ... and lots of love on the day (S).

In spite of the fact that these relationships ended unhappily, the wedding day was often recalled with pleasure. J's colourful account was tempered by the rueful comment that when friends spoke of it now, they said 'Oh well, we had a lovely day'. Q recalled that, 'Even when I told some work colleagues that I was splitting up, they went, "oh well, still the best wedding do we've ever been to!"'

### **Social and family acceptance**

There can be no doubt that the advent of civil partnerships has transformed social attitudes to homosexuality in England. The most telling change is that the tabloid press now writes approvingly of celebrity gay weddings like that of Elton John and David Furnish. One of my interviewees, O, a teacher, told me that she had had to leave her first school because of the homophobic bullying. At the second, however, 'I was completely out to all of the students and all of the teachers, and it was very positive.' That's not to say that homophobia has disappeared, but it does mean that civil partnerships have provided a forum for families to 'come out' in support of a gay son or lesbian daughter in a socially acceptable and traditional way.

Marriage was historically about family alliances and even today, when the love-match is the dominant form, family involvement in their children's marriages tends to be located along a norm from actually choosing the spouse to paying for the wedding, giving the bride away, or at the very least approving the child's partner. In the past, however, the unpopularity of a gay or lesbian child's sexual choices frequently led to estrangement from their families of origin, which were replaced by 'families of choice' – i.e. friends and former lovers. When I asked participants in my research if their families had been supportive of their civil partnerships, responses from some of the older

lesbians reflected this estrangement. 'I', for example, hoped to change negative attitudes among her family members, but failed. A, however, was able to overcome her father's religious reservations: he 'actually enjoyed the whole day' because 'he had completely taken on board that it was about the world paying me some respect and credibility for my relationships'.

The position was strikingly different for the younger participants. Families were uniformly accepting of their child's sexuality and generally welcoming to the partner. 'I always got on fine with his parents,' M assured me. 'Never an issue.' Where there was family opposition, it was usually not to the same-sex relationship but to the individual partner. 'I don't think [my mother] liked my ex very much,' O confided; but her mother felt quite differently about her new partner, telling her, 'You're part of the family - we love you to bits.' Not only parents, but colleagues, too, were openly supportive, as K found when she told her headmaster about her relationship breakdown.

These generational differences help, I think, to explain why younger women and gay men did not have the reservations about civil partnership that many older people did. This in turn explains why the civil partnership rate, after steady decline, started to rise again in 2010, and why the gender balance has equalised.

The same shift has occurred in the rate of traditional (heterosexual) marriage which, long in decline, reached a low of 8.4 persons marrying per 1000 population in 2009 before starting to rise again. In 2011 it stood at 8.8 (ONS 2013c). This suggests that age is more important than sexuality in determining attitudes to marriage/civil partnership. Young gays and lesbians believe they have as much 'right' to access to marriage and marriage-like institutions as heterosexuals. But my findings also suggest that marriage itself has become less significant. The younger generation grew up with families where the parents lived together and apart, moved on to other partners and other children, where family forms were mixed and varied. They see marriage as an institution which can be chosen or not, undone and re-done, and this has led them not so much to a more positive as to a more *neutral* view of the institution. As M (at 29, the youngest person I interviewed) put it: 'I don't think anyone who enters into marriage or civil partnership actually, in this day and age, necessarily expects it's always going to be forever.'

#### **WHY DO MORE WOMEN THAN MEN DISSOLVE THEIR CIVIL PARTNERSHIPS?**

It has long been recognised that more women initiate divorce proceedings than men. I have always found this perfectly explicable in terms of men's bad behaviour; *of course* men are more likely to be the cause of the problem and *of course* that will lead women to

have to divorce them. But the fact that women are more likely to dissolve a civil partnership – and this statistic has remained fairly constant since dissolution became possible in 2007 – suggests that the explanation lies not only in men’s bad behaviour but also in something about women.

Here my research into civil partnership dissolution threw up some interesting findings. Of all the reasons given by the fourteen women I interviewed for the dissolution of their partnership, two stood out: unacceptable infidelity or disputes over monogamy, and a partner’s substance abuse or mental health issues. Though men sometimes mentioned these, they had experienced and dealt with them quite differently.

### **Fidelity**

Unlike the corresponding provisions governing divorce in the Matrimonial Causes Act 1973, the Civil Partnership Act 2004 does not allow for ‘adultery’ as a ground for dissolution – a fact that amazed some of my interviewees and amused others (mainly the men). It was clear, however, that monogamy had been assumed in many of the relationships, whether or not the question had ever been discussed. An affair by one partner, in a relationship premised on fidelity, was an event that precipitated dissolution for no fewer than seven of my 14 female interviewees. Five of the women who had been unfaithful (including two of the women I interviewed) ended up in a new relationship with the person they had had an affair with (four with another woman and one with a man) – in other words, they went from one monogamous relationship to another. Most of my betrayed interviewees were also in new relationships, one having married a man.

Fidelity was not an issue for any of the men, who did not expect monogamy. Four of the five had had an open relationship.

That is not to say that non-monogamy is never a feature of lesbian relationships. Three participants chose to dissolve their civil partnership because their partner wanted to open up the relationship to other lovers: C’s partner to resume the polyamorous lifestyle they had both enjoyed before the marriage, D’s to explore polyamory, and E’s to explore her heterosexuality. But C’s account is instructive in its detail on the challenges involved and the reasons why she was no longer prepared to go down that route.

I was non-monogamous until I met [my ex]. We tried having a non-monogamous relationship for about three months, and [my ex] said, ‘No, I’m too old-fashioned, I can’t do this – this is going to make me go nuts,’ and I thought, well, she gave it a go, I’ll see if I can give it a go, and I found I didn’t miss it, not even slightly.

Her partner then changed her mind and suggested they return to non-monogamy.

And I went, ‘No, absolutely not, I’m not going back there – it’s too difficult.’ There’s too many discussions that have to take place. There’s too many other

people involved. [...] the amount of work that I would have to put into it, and the amount of communication, and the amount of trust that has to happen [...] and the likelihood for drama is exponentially increased, so [...] I just don't have the energy for it [laughing]!

More than one participant pointed out that a decision to open up a relationship was often symptomatic of existing problems within it. B said:

We'd been having sexual problems for quite a while before the – in fact, we'd opened our relationship up [...] which wasn't unusual at the time, like we knew lots of poly-people. [...] [N]ow, looking back, I think it kind of allowed me to ignore the fact that she was kind of losing interest in me.

I conclude that, while fidelity matters more to many (clearly not all) women than to most men, what is more significant is that lesbians are less likely to accept disagreement about the role of monogamy within their relationships, while gay men are more likely to see non-monogamy as unproblematic. Moreover, if they do have sex outside the relationship, women are more likely to replace one monogamous relationship with another than to adopt a non-monogamous lifestyle, leading them to want to dissolve the first.

Gender is of course socially constructed and I am not saying for a minute that women are naturally more monogamous and men more promiscuous (though there is an extensive literature saying precisely this). Instead, what my interviews suggest is that, if one partner finds it impossible to forgive infidelity or tolerate non-monogamy, then dissolution (perforce under the 'unreasonable behaviour' ground if the parties are not prepared to wait two years) is likely to follow; and that women are much more likely than men to adopt this position. This finding suggests that the government was right to listen to the gay male lobby who urged them to leave adultery out of the dissolution provisions (Davies 1999).

Men's attitudes may, however, be changing. As civil partnerships become more popular, as memories of the outlaw status fade and with it the need to seek sex in public spaces, more men may start rejecting the promiscuous lifestyle in favour of normative monogamy. This 'domestication' of gay men had been predicted, as a positive outcome of the legislation by advocates and a negative one by many gay men. L, for example, claimed that

[the legislature] are trying to say that gay men are generally much more promiscuous so they're going to sleep around and we're not going to let you get divorced for being unfaithful.

But I found plenty of evidence of this very domestication. Although he had been in an open relationship with his ex, L expected his current partner to be faithful. R, on the

other hand, had agreed with his new partner to have an open relationship – but neither acted on it. The agreement simply represented his refusal to be told how to behave. He told me:

I really liked the sex, and in the old days, I was having sex everywhere. [But] I love [my current partner] so much that I just don't feel the need to.

### **Mental health problems and substance abuse**

These were also mentioned by seven of the women I interviewed. Depression, self-harm, and suicide threats and attempts featured in many accounts. P's partner was pathologically jealous: 'I couldn't go out for a pint of milk, for example, without being either timed or accompanied.' J's partner's alcoholism created havoc at home. 'I like a drink, but X turned it into an Olympic sport'. Only one of the five men I interviewed, however, linked the dissolution of his civil partnership to mental health issues.

I am not claiming any statistical significance in these findings, but one factor stood out in the relationships of the women I interviewed. Several confessed, unprompted, to being drawn to a caring role, or identified this quality in their ex-partner.

C: I tend to be a massive caretaker, and I burnt myself out doing that.

H: [My ex] liked to look after people she thought were vulnerable. When I met her, I was a single mum, a trainee solicitor [with] two young children. [...] I was never really needy, but she liked to be the mother figure, and [her ex's new partner] has got mental health issues and alcohol issues, and I think [my ex] likes looking after her, and I didn't need looking after [laughing].

P: [My ex was] very controlling and possessive. [She] wanted to run the relationship very much like a sort of parent/child thing – she's 15 years older than me.

In P's case, that very age difference meant that the caring would eventually become reciprocal, and she gave as a reason for entering into the civil partnership that it would give her partner 'some surety. It put us on a sort of ... a sort of caring level, I felt'.

Whether women are drawn to a caring role or not, it is certainly expected of us, and to a far greater degree than it is of men. None of the men mentioned caring in the same way and, indeed, the sight of a male carer tends to evoke admiration and surprise, not to speak of pity and assistance. I was struck by the very different responses to one of my female participants from the one given to the one man who sought help. O, the woman, went to Citizens Advice to find out what she could do about her partner's escalating expenditure because 'financially it was crippling us that she wasn't working'. She was told that the best thing she could do was to leave her job and become a full-time

carer, because she would be paid for this. R, the man, had a partner whom he described as alternately loving and abusive, both emotionally and physically: 'two different people'. He was advised to leave the relationship immediately. Clearly the symptoms O and R presented were different but exploitation and mental abuse were present in both situations. Yet no one suggested that O should leave her partner if she wanted to end the exploitation and abuse. Instead, the assumption was that she should immerse herself still further in the caring role.

### **The law in our relationships**

One of the proudest boasts of lesbians and gays in the 1990s was that they could teach heterosexuals a thing or two about relationships. Gillian Dunne, for example, asked: 'What is it about lesbian relationships that appear to turn upside down many of the assumptions which shape heterosexual practice and maintain the status quo?' Her empirical findings about how lesbians conduct their lives underpinned a view of lesbian relationships as more egalitarian and less role-bound: as one of her interviewees put it,

We've got no role models in terms of how we divide our duties, so we've got to work it out afresh as to what suits us. ... We try very hard to be just to each other and ... not exploit the other person (Dunne 1999: 211. See also Dunne 1997).

Likewise, Weeks, Heaphy and Donovan in their ground-breaking study *Same-Sex Intimacies* (2001) documented 'the emergence of the new relationship ethic in the non-heterosexual world' which they called 'families of choice', premised on a range of 'new relational possibilities' (vii-viii). Among couples, they too perceived a 'negotiated egalitarian' style as the 'dominant one today' (the research took place in 1995-6) (106). Many of the (mostly youthful) gays and lesbians they interviewed rejected the role-playing models of many older gays and lesbians (for instance, butch and femme, 115) and opposed legal regulation of their relationships: 'The very idea is really quite abhorrent,' said one woman (107); 'marriage has never been in women's interests - ever,' said another (Weeks et al 1999: 48). One 28-year-old woman explained how heterosexual relationships imposed, or at least facilitated, destructive *emotional* roles. 'I don't mean roles as in housework or breadwinner - I mean roles as in game playing, manipulation, being passive, being victim-like'. Lesbian relationships, she asserted, are free of these and based on 'freedom ... on not owning a person and not dictating to the person what they can and can't do' (Weeks et al 2001: 113).

My research suggests that she was over-sanguine: I found plenty of evidence of game playing and manipulation in the relationships of the women I interviewed 15 years

later. And it was not only in the caring role that lesbians seemed to experience these tensions. Among other reasons given to me for dissolution were

- **Disagreements over whether to have children.** This was only raised by women in my study, presumably because up to now women have occupied the childrearing role. But I suspect it will follow for men as it becomes more common for gay men to want to parent.
- **Money problems.** With the women, these tended to take the form of excessive spending by one woman of her partner's hard-earned cash, but with the men it was more usually about the belittling and control felt by the poorer partner because of the couple's disparity of income. (An exception was the man with a younger dependent partner who had a gambling habit.) Spending is of course the archetypal female role, whereas men have traditionally exercised power in domestic relationships through being the main breadwinner.
- **Disputes over the housework.** While these doubtless go on in heterosexual households, in lesbian relationships they can be exacerbated by the fact that men have traditionally not been expected to contribute much in this department, as women have – so the expectations are higher for women.
- **Communication problems.** Women have been socialised to be sensitive to others' needs in ways that are not expected of men. They are supposed to do the listening and caring in relationships and so, in the stories I heard, 'little' failings like neglecting or misreading partners' needs or not apologising for bad behaviour quickly mounted up in the women's relationships to become a 'big' issue that contributed to the break.

All this led to me to wonder whether the legal regulation of the relationship made a difference in how these issues were handled. In other words, were these just problems for lesbian couples, or were they problems of civil partnerships? Only one of my interviewees thought that registration played any role in the ending of her own relationship. J observed that her partner, who had an alcohol problem, changed her behaviour after the ceremony and began to act as her father acted towards her mother: 'drunk, she reminds me of her dad [...] she'd become a bully with the civil partnership certificate [...] I think it's just a control thing.'

Although this observation was not made by anyone else, other interviews suggested to me that the mutual obligations of marriage and civil partnership do *facilitate* abuse. K, O and Q all had partners who exploited them emotionally, practically and financially. When you are in a relationship of care and dependence, the law's promise of

security (pensions, next-of-kin rights) offers an attractive form of protection. O said that, for her partner, 'I think the legal situation was a big thing, first of all, obviously, with the Jehovah's Witness thing, and also with her work, because she was off sick for four or five years'. Some of my participants were, if not quite pressured, unable to resist the dependent partner's eagerness to formalise the relationship. Once formally linked, these people could more easily maintain the pattern of dependence and abuse, while it became correspondingly harder for their partners to resist the legal as well as the moral responsibility for caring and support.

My conclusion is that women have higher expectations of relationships than men and that this is because we are brought up to do the caring work in society. We expect a lot of our partners and we especially expect *women* to behave well, to fulfil our trust in them, to listen and to share, and not to abuse us. When men behave badly, it's only what society assumes and takes for granted. When women do, there is a real sense of betrayal – a sense that they have let our sex down. And that is why more women dissolve their civil partnership than men.

#### **WHAT HAS HAPPENED TO THE ARGUMENT THAT SAME-SEX UNIONS WILL BE DIFFERENT FROM, OR BETTER THAN, HETEROSEXUAL UNIONS?**

In an article in the *Observer* (3 February 2008), the editor of the gay site pinknews.co.uk, Tony Grew, opined that gays and lesbians took civil partnerships

more seriously than many people who get married. The people who go for it are older, have been together longer and have more committed relationships. That's why we won't see the 40 per cent or 50 per cent divorce rates we see in heterosexual relationships (Campbell 2008).

By 2012 everything about this statement seemed wide of the mark.

The 2012 figures for **divorce** in England and Wales showed a small increase of 0.5 per cent on the previous year's. Of the almost 120,000 divorces, almost half occurred in the first ten years of marriage, and 65 per cent were as a result of petitions by women. The most common ground was 'unreasonable behaviour', for which women were almost three times as likely to petition as men (ONS 2014). The Office for National Statistics estimates that 42 per cent of marriages will end in divorce (ONS 2013b).

The 2012 figures for **dissolution of civil partnerships** in England and Wales show a much greater increase on the previous year's – a full 20 per cent. Of the 794 dissolutions, all of which have taken place within the first five years of registration, 57 per cent were of women's partnerships (ONS 2013, 7-8). The Office for National Statistics does not publish figures for grounds for dissolution, though almost certainly the most common ground is 'unreasonable behaviour', nor does it make predictions about how



many civil partnerships will end in dissolution. In 2010 marriages were more likely to end in divorce after four years than civil partnerships in dissolution. Ross et al (2011) noted that 'it is too early to say whether this trend will continue beyond the fourth anniversary' (15). But that 20 per cent increase in dissolutions in 2012 suggests that it will. It follows that not only are same-sex couples not immune to the problems suffered by heterosexual couples but also that destructive dynamics might actually be built into our legal model of marriage. This gives the lie to the optimistic claims of some feminists (e.g. Hunter 1995) that same-sex marriage could offer a model of relating differently that heterosexual couples would do well to emulate.

It is clear from my research into civil partnership dissolution that the dominant view of same-sex relationships today bears little relation to the ideals of the 1990s as revealed by Dunne, Heaphy, Weeks and their colleagues. This, I would argue, is because most of the 'different' and 'egalitarian' qualities of same-sex relationships disappeared with the advent of civil partnerships, to be replaced by a rhetoric of sameness – 'We are just like you' – and of normative legal assumptions premised on traditional marriage and divorce. This had two consequences. First, it caused shock and heartache among the older participants in my study when their long-term relationship broke down and their ex-partner, encouraged by her lawyer, moved swiftly into 'divorcee' mode. As A put it, the law 'doesn't understand homosexual relations, so it sees everything from a heterosexual lens'. In her case, on dissolution her ex-partner was able to present herself as dependent and vulnerable, whereas their 19-year partnership had been based on a very different model of autonomy and independence.

I think the law provides an instrument for vengeful people. Previously, without that, they might have stalked you, or bunny-boiled you or something else, but they would not have been able to use the force of the law to get their pound of flesh, and I think that's a really bad thing.

Second, for the younger generation who had grown up in legal 'equality' with heterosexuals, the arrival of civil partnerships suppressed not simply the conscious negotiation of roles and repudiation of heterosexual models by same-sex couples but the very *knowledge* that such ideals and critiques had ever existed.

One of the young women in my study, for example, planned to give up her teaching job when she and her new partner started a family; in spite of her previous bad experience in a civil partnership, she seemed to have given little thought to the financial consequences. Gendered roles, albeit modified as a result of feminist successes, often seem to be the only roles younger gays and lesbians recognise. Resistance is made difficult, of course, by institutional structures that force a breadwinner/dependent role

on less affluent couples with children. While the greatest publicity is given to millionaire gay male parents like Elton John and David Furnish, we never see the much more common lesbian couples struggling on benefits. The *Observer* ran a column in 2012 called ‘Two dads, one mum – one family’ in which actor Charlie Condou recounted his experiences as a gay father of two children and his shared parenting arrangements. But civil partnerships do not recognise a relationship of three, so the 1990s ‘families of choice’ with their ‘new relational possibilities’ appear to have been snuffed out with the legislation.

In light of all this, the reasons for the rise in dissolution become clear. Civil partnerships increasingly appeal to young people; civil partnerships increasingly resemble traditional marriage; a high proportion of shorter (less than ten years) marriages end in divorce; so too will civil partnerships in dissolution, and for the same reasons. In spite of all the optimistic predictions, civil partnerships will, in fact, prove to be no more egalitarian or enduring than marriages.

### CONCLUSION

Several conclusions may be drawn from this brief examination of the statistics of civil partnership formation and dissolution. First, given the rocketing dissolution rate, it is obvious that civil partnerships have not been an unqualified success. Second, insofar as they suit anyone, they suit older gay men with property (though the most high-profile dissolution cases have also come from this group), rather than older lesbians or young people generally. This had been predicted (Auchmuty 2007: 111) and chimes with Jessie Bernard’s revelation 40 years ago that marriage works for men but makes women ill (Bernard 1972). Third, these two facts demonstrate the shortcomings of a simplistic equal-rights approach to sexuality and law, since this formal equality measure has brought neither substantive equality nor, it seems, lasting happiness to many people.

A fourth conclusion to be drawn from the evidence is that, in accepting the heterosexual model of couple recognition and regulation, we have lost of great deal of what was distinctive about same-sex, especially lesbian, relationships. I put this down to the drowning-out of feminist perspectives by the dominant equal-rights discourse around same-sex marriage. Mainstream knowledge has always been strikingly resistant to feminism but, on this subject, the first- and second-wave feminist analyses of power within marriage and the family simply disappeared under the weight of formal equality discourses, leaving younger lesbians as well as gay men of all ages vulnerable to the *structural* inequalities.

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<sup>2</sup> Or, worse still, that catch-all phrase 'LGBT' [lesbians, gay men, bisexuals and transgender people] – or even 'LGBTIQ' [the above, plus intersex and queer people]. Such communities simply do not exist, so very different are their respective interests.

<sup>3</sup> The national statistics for this sexuality shift are not captured by the ONS, which only differentiates between those who enter into civil partnerships as single people and those who have been in a previous marriage or civil partnership bundled together. Figures for 2006 and 2007 show that 11 per cent of men and 23 per cent of women had been in a previous marriage or civil partnership which, given the very limited time that civil partnerships had been in force, suggests that many if not most of these had previously been in heterosexual relationships (ONS 2006:3). But beyond those early results we cannot tell.

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